

MEMORANDUM

Agenda Item No. 5(D)

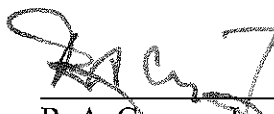
TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 18, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to
annexations; prohibiting the
filing, consideration, approval,
or submission to the electorate
for a required vote of current or
future annexation requests that
conflict with the boundaries of
a previously established
Municipal Advisory
Committee; creating Section
20-4.3 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney


RAC/jls

Memorandum



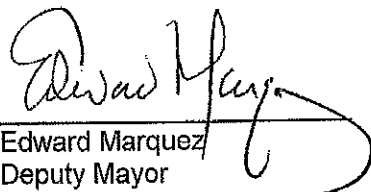
Date: December 18, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Pertaining to Annexations Creating Section 20-4.3 of the Code

The proposed ordinance prohibits the filing, consideration, approval, or submission to the electorate for annexation requests that conflict with the boundaries of a previously established Municipal Advisory Committee boundary. Implementation of this ordinance will not have a fiscal impact to the County.


Edward Marquez
Deputy Mayor

Fis2113



MEMORANDUM

(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 18, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 5(D)

Please note any items checked.

☒
☒

"3-Day Rule" for committees applicable if raised

6 weeks required between first reading and public hearing

4 weeks notification to municipal officials required prior to public hearing

☐

Decreases revenues or increases expenditures without balancing budget

☐

Budget required

☐

Statement of fiscal impact required

☒

Ordinance creating a new board requires detailed County Mayor's report for public hearing

☐

No committee review

☐

Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve

☐

Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(D)
12-18-12

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ANNEXATIONS;
PROHIBITING THE FILING, CONSIDERATION, APPROVAL,
OR SUBMISSION TO THE ELECTORATE FOR A REQUIRED
VOTE OF CURRENT OR FUTURE ANNEXATION
REQUESTS THAT CONFLICT WITH THE BOUNDARIES OF
A PREVIOUSLY ESTABLISHED MUNICIPAL ADVISORY
COMMITTEE; CREATING SECTION 20-4.3 OF THE CODE
OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 20-4.3 of the Code of Miami-Dade County, Florida, is hereby
created to read as follows:

**Sec. 20-4.3. Prohibition on filing, consideration, approval, or
submission to the electorate of a required vote of
requests for annexations that conflict with the
boundaries of a previously established Municipal
Advisory Committee boundary.**

Notwithstanding anything in this article to the contrary, no
annexation request shall be filed, nor shall any filed request be
heard, considered, approved, or submitted to the electorate for a
required vote, where the boundaries of such annexation request
would conflict with the boundaries of a previously established
Municipal Advisory Committee, unless and until the Board of
County Commissioners has: (1) taken action to deny an
incorporation request that is encompassed by a Municipal
Advisory Committee's boundaries; or (2) if the Board of County
Commissioners approved the incorporation request, the voters at a
duly called election have disapproved the incorporation.

Section 2. This ordinance shall apply to any pending annexation request including an annexation request that has been approved by the Board of County Commissioners, but has not been approved by a required vote of the area to be annexed as of the effective date of this ordinance and to any annexation request filed after the effective date of this ordinance.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

Craig H. Collier

Prime Sponsor: Sen. Javier D. Souto